

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEW YORK STATE RESTAURANT
ASSOCIATION,

Plaintiff,

-against-

NEW YORK CITY BOARD OF HEALTH,
NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE, and
Thomas R. Frieden, In His Official Capacity
as Commissioner of the New York City
Department of Health and Mental Hygiene,

Defendants.

No. 07-CIV-05710 (RJH)

AMICI CURIAE CITY AND COUNTY OF SAN FRANCISCO, CITIES OF
PHILADELPHIA, PENNSYLVANIA, BALDWIN PARK, CALIFORNIA, PALO
ALTO, CALIFORNIA AND WEST HOLLYWOOD, CALIFORNIA; COUNTY
OF LOS ANGELES, CALIFORNIA, KING COUNTY, WASHINGTON, AND
MONTGOMERY COUNTY, MARYLAND; NATIONAL LEAGUE OF CITIES,
NATIONAL ASSOCIATION OF COUNTY & CITY HEALTH OFFICIALS,
INTERNATIONAL MUNICIPAL LAWYERS ASSOCIATION, AND LEAGUE
OF CALIFORNIA CITIES; CALIFORNIA STATE SENATORS ALEX
PADILLA AND CAROLE MIGDEN, NEW YORK STATE ASSEMBLYMAN
FELIX ORTIZ, CHICAGO ALDERMAN EDWARD M. BURKE, AND
WASHINGTON D.C. COUNCILMEMBER PHIL MENDELSON'S
REQUEST FOR JUDICIAL NOTICE

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CITY AND COUNTY OF SAN FRANCISCO

Pursuant to Federal Rules of Evidence 201, Amici Curiae City and County of San Francisco et al., respectfully request that the Court take judicial notice of the contents of the following documents:

Exhibit A: Senate Bill 1436, State of Arizona, 48th Legislature, First Regular Session, introduced January 29, 2007, downloaded from the Arizona State Legislature Website at <http://www.azleg.gov>.

Exhibit B: Senate Bill 120, State of California, 2007-2008 Legislature, as amended June 19, 2007, downloaded from the California Legislative Information Website at <http://www.leginfo.ca.gov>.

Exhibit C: Assembly Committee on Health, State of California, Hearing on Senate Bill 120, June 26, 2007, downloaded from the California Legislative Information Website at <http://www.leginfo.ca.gov>.

Exhibit D: Senate Bill 686, State of Connecticut, January Session 2007, introduced January 19, 2007, downloaded from the Connecticut General Assembly Website at <http://www.cga.ct.gov>.

Exhibit E: House Bill 54, State of Hawaii, 24th Legislature, introduced January 18, 2007, downloaded from the Hawaii State Legislature Website at <http://www.capitol.hawaii.gov>.

Exhibit F: House Bill 389, State of Illinois, 95th General Assembly, 2007-2008 Session, as amended March 20, 2007, downloaded from the Illinois General Assembly Website at <http://www.ilga.gov>.

Exhibit G: Legislative Document 1774, State of Maine, 123rd Maine State Legislature, introduced in 2007, downloaded from the Maine State Legislature Website at <http://janus.state.me.us/legis>.

Exhibit H: Senate Bill 1290, Commonwealth of Massachusetts, 185th Session, introduced January 10, 2007, downloaded from the Commonwealth of Massachusetts Website at <http://www.mass.gov>.

Exhibit I: House Bill 4791, State of Michigan, 94th Legislature, Regular Session, introduced May 17, 2007, downloaded from the Michigan Legislature Website at <http://www.legislature.mich.gov>.

Exhibit J: Assembly Bill 1693, State of New Jersey, 212th Legislature, 2006 Session, introduced January 10, 2006, downloaded from the New Jersey State Legislature Website at <http://www.njleg.state.nj.us>.

Exhibit K: Senate Bill 2264, State of New Jersey, 212th Legislature, 2006 Session, introduced October 16, 2006, downloaded from the New Jersey State Legislature Website at <http://www.njleg.state.nj.us>.

Exhibit L: House Bill 1203, State of New Mexico, 48th Legislature, First Session, introduced in 2007, downloaded from the State of New Mexico Legislature Website at <http://www.legis.state.nm.us>.

Exhibit M: Assembly Bill 729, State of New York, 2007-2008 Regular Session, introduced January 3, 2007, downloaded from the New York State Assembly Website at <http://assembly.state.ny.us/leg/?bn=A00729&sh=t>.

Exhibit N: House Bill 1108, State of Pennsylvania, 2007-2008 Session, introduced April 18, 2007, downloaded from the Pennsylvania General Assembly Website at <http://www.legis.state.pa.us>.

Exhibit O: Senate Bill 1696, State of Tennessee, 105th General Assembly, introduced February 8, 2007, downloaded from the Tennessee General Assembly Website at <http://www.legislature.state.tn.us>.

Exhibit P: House Bill 477, State of Vermont, 2007-2008 Session, introduced 2007, downloaded from the Vermont Legislature Website at <http://www.leg.state.vt.us>.

Exhibit Q: Bill 070153, City of Philadelphia, Philadelphia City Council, introduced March 1, 2007, downloaded from the Philadelphia City Council Website at <http://www.phila.gov/citycouncil>.

Exhibit R: Bill 17-0139, Washington, D.C., Council of the District of Columbia, introduced March 6, 2007, downloaded from the Council of the District of Columbia Website at <http://www.dccouncil.washington.dc.us>.


Exhibit S: Proposed Board of Health Regulation 07-01, King County, WA, King County Board of Health, downloaded from the King County Board of Health Website at <http://www.metrokc.gov/health/boh/proposed-regulation-0701.pdf>.

DATED: July 10, 2007

Respectfully submitted,

DENNIS J. HERRERA
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RAFAL OFIERSKI
FRANCESCA GESSNER
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By:


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PROOF OF SERVICE

I, HOLLY TAN, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 234, San Francisco, CA 94102.

On July 10, 2007, I served the following document(s):

AMICI CURIAE CITY AND COUNTY OF SAN FRANCISCO, CITIES OF PHILADELPHIA, PENNSYLVANIA, BALDWIN PARK, CALIFORNIA, PALO ALTO, CALIFORNIA AND WEST HOLLYWOOD, CALIFORNIA; COUNTY OF LOS ANGELES, CALIFORNIA, KING COUNTY, WASHINGTON, AND MONTGOMERY COUNTY, MARYLAND; NATIONAL LEAGUE OF CITIES, NATIONAL ASSOCIATION OF COUNTY & CITY HEALTH OFFICIALS, INTERNATIONAL MUNICIPAL LAWYERS ASSOCIATION, AND LEAGUE OF CALIFORNIA CITIES; CALIFORNIA STATE SENATORS ALEX PADILLA AND CAROLE MIGDEN, NEW YORK STATE ASSEMBLYMAN FELIX ORTIZ, CHICAGO ALDERMAN EDWARD M. BURKE, AND WASHINGTON D.C. COUNCILMEMBER PHIL MENDELSON'S REQUEST FOR JUDICIAL NOTICE

on the following persons at the locations specified:

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in the manner indicated below:

- ☒ **BY OVERNIGHT DELIVERY:** I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed July 10, 2007, at San Francisco, California.



HOLLY TAN